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Department of State

TELEGRAM

UNCLASSIFIED 842

STATE 170574

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EA-11 EUR-20 NEA-12 RSC-01 H-02 COME-00 ABMC-01  
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8/23/73 EXT 22820

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UNCLAS STATE 170574

INFORM CONSULS

E.O. 11652: N/A

TAGS: AT N

SUBJECT: SHIPMENT OF FOREIGN MADE VEHICLES

REF: STATE TELEGRAM 193258, OCTOBER 24, 1972

1. THIS MESSAGE PROVIDES IMPLEMENTING REGULATIONS FOR THE  
PROHIBITION ON THE SHIPMENT OF FOREIGN-MADE, FOREIGN-

Department of State

TELEGRAM

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PAGE 02 STATE 170574

PURCHASED VEHICLES CITED IN REFTFL. THIS REGULATION ALSO APPLIES USIA AND AID EMPLOYEES.

2. IT IS THE POLICY OF THE DEPARTMENT OF STATE NOT TO REIMBURSE EMPLOYEES FOR THE SHIPMENT OF FOREIGN-MADE, FOREIGN-PURCHASED VEHICLES. IN RECOGNITION OF CERTAIN SPECIFIC CIRCUMSTANCES AT POSTS AROUND THE WORLD A LIMITED NUMBER OF EXCEPTIONS ARE AUTHORIZED. THE REGULATION IS AS FOLLOWS:

6 FAM 165.9 SHIPMENT OF FOREIGN VEHICLES

A FOREIGN-MADE VEHICLE PURCHASED AND DELIVERED IN THE UNITED STATES MAY BE TREATED IN THE SAME MANNER AS A U.S. MANUFACTURED MOTOR VEHICLE FOR THE PURPOSE OF TRANSPORTATION. A FOREIGN-MADE, FOREIGN-PURCHASED MOTOR VEHICLE MAY BE SHIPPED TO OR BETWEEN POSTS, BUT MAY NOT BE SHIPPED TO THE UNITED STATES AT GOVERNMENT EXPENSE UNLESS IT QUALIFIES UNDER ONE OF THE PROVISIONS OF SECTION 165.9-1.

165.9-1 GENERAL EXCEPTIONS

A FOREIGN-MADE, FOREIGN-PURCHASED MOTOR VEHICLE OWNED BY AN EMPLOYEE OR FAMILY MEMBER AUTHORIZED TO TRAVEL MAY BE SHIPPED TO OR RETURNED TO THE UNITED STATES WHEN THE VEHICLE:

(A) WAS PURCHASED AFTER SEPTEMBER 11, 1970 AND PRIOR TO OCTOBER 24, 1972, OR

(B) WAS PURCHASED BY A NEW APPOINTEE AT LEAST THREE MONTHS PRIOR TO THE NOTIFICATION OF HIS SELECTION FOR APPOINTMENT, OR

(C) CANNOT LEGALLY BE SOLD OR DISPOSED OF AT THE OVERSEAS POST OF ASSIGNMENT, OR

(D) MUST BE SHIPPED FOR EVACUATION PURPOSES (SEE SECTION 125.7), OR

(F) WAS PURCHASED FOR USE IN A COUNTRY WHERE THE

*Department of State*

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UNCLASSIFIED

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FOLLOWING CONDITIONS APPLY:

(1) LOCAL LAWS OR OTHER REQUIREMENTS PERMIT ONLY THE OPERATION OF RIGHT-HAND DRIVE VEHICLES, OR

(2) PARTS AND SERVICE ARE NOT AVAILABLE FOR AMERICAN VEHICLES AT THE POST. (WRITTEN JUSTIFICATION SUBMITTED BY POST TO WASHINGTON MUST BEAR CERTIFICATION OF CHIEF OF MISSION OR PRINCIPAL OFFICER, WHEN THERE IS NO IMMEDIATE SUPERVISORY POST), OR

(3) USE OF A FOREIGN-MADE VEHICLE IS NECESSARY FOR REASONS OF PERSONAL SAFETY OF EMPLOYEES. (PRIOR WASHINGTON AUTHORIZATION IS NECESSARY.

ANY VEHICLE WHICH WOULD QUALIFY FOR SHIPMENT TO THE UNITED STATES UNDER THE PROVISIONS OF 165.9-1 (E) REMAINS QUALIFIED FOR SHIPMENT TO THE U. S. EVEN IF SUBSEQUENTLY SHIPPED TO A POST THAT IS NOT ELIGIBLE UNDER THE PROVISIONS OF 165.9-1 (E).

AUTHORITY TO SHIP A FOREIGN-MADE, FOREIGN-PURCHASED MOTOR VEHICLE UNDER ANY OF THE GENERAL EXCEPTIONS MUST BE CONTAINED IN THE EMPLOYEE'S TRAVEL AUTHORIZATION OR AMENDMENT THERETO.

3. THE EFFECTIVE DATE OF THIS REGULATION IS JANUARY 1, 1973. RUSH

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23 OCT 1975

MEMORANDUM FOR: Office of Legislative Counsel

THROUGH : Deputy Director for Management and Services

SUBJECT : Proposed Amendment to Agency Travel Regulations to Prohibit Shipment of Foreign Manufactured-Foreign Purchased Motor Vehicles

1. Subject amendment is attached for your consideration in terms of Congressional intent.

2. The Travel Policy Committee, when drafting the amended regulation, deliberately omitted certain contingency authorities which were included in both Department of Defense and Department of State regulations on this subject. These authorities permit shipment of foreign manufactured and purchased vehicles under the following circumstances:

- (a) Local laws prohibit sale at foreign post.
- (b) Emergency evacuation precludes sale prior to departure from foreign post.
- (c) Local laws require vehicles operated at foreign posts to have right hand drive.
- (d) Use of foreign manufactured vehicle is necessary to personal safety.
- (e) Spare parts and service for U.S. manufactured vehicles are not available at foreign posts.

The opinion of the Committee was that to include these exceptions in the amended regulation would provide loopholes in the general prohibition and encourage

SUBJECT: Proposed Amendment to Agency Travel Regulations  
to Prohibit Shipment of Foreign Manufactured-  
Foreign Purchased Motor Vehicles

needless inquiries regarding the exceptions. The Committee envisioned, however, that instances might arise which would require the DD/M&S to consider exception to the general prohibition under one or more of these circumstances. Therefore, the Committee respectfully suggests that you acquaint Congressional liaison with these exceptions and request approval for their application by the DD/M&S as circumstances may warrant.




Chairman  
Travel Policy Committee

Attachment  
As Stated

Distribution:

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92D CONGRESS } HOUSE OF REPRESENTATIVES { REPORT  
2d Session } { No. 92-1389

DEPARTMENT OF DEFENSE APPROPRIATION BILL, 1973

SEPTEMBER 11, 1972.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. MAHON, from the Committee on Appropriations, submitted the following

REPORT

together with

SEPARATE AND ADDITIONAL VIEWS

[To accompany H.R. 16593]

The Committee on Appropriations submits the following report in explanation of the accompanying bill making appropriations for the Department of Defense for the fiscal year ending June 30, 1973.

APPROPRIATIONS AND ESTIMATES

Appropriations for the military functions of the Department of Defense, including military assistance related to the conflict in Southeast Asia, are provided for in the accompanying bill for the fiscal year 1973. This bill does not provide for other military assistance, military construction, military family housing, or civil defense, which requirements are considered in connection with other appropriation bills.

The new budget (obligational) authority enacted for the fiscal year 1972, the President's budget estimates, as amended (House Documents Nos. 92-267, 92-272, and 92-321), and amounts recommended by the committee for the fiscal year 1973 appear in summary form in the table beginning on page 11.

data for the record showing this increase. This detailed data revealed that only one additional ship was homeported overseas in fiscal year 1973 while the number of ships homeported overseas in fiscal year 1972 increased by 14 over fiscal year 1971.

**AIR FORCE**—The Air Force did not do an outstanding job of justifying their unit move program either. However, the current turbulence in Southeast Asia makes it most difficult to reduce the Air Force program at this time. This is not necessarily true for the Navy since Navy ships, while being deployed to Southeast Asia in increasing numbers, still retain the same homeports and the personnel and families associated with that ship generally are not authorized PCS moves as a result of the change in operational plan. The Committee did, however, reduce the Air Force PCS program proposed in the fiscal year 1973 Budget amendment for Southeast Asia as mentioned earlier.

The Committee reduced the Army Units PCS travel estimate by \$2,000,000 and the Navy's by \$3,000,000. While a larger reduction in this area may be appropriate, with the Southeast Asia situation in a state of flux, the Committee is willing to provide some extra flexibility with respect to unit moves. However, the Committee expects that in the future the budget for unit moves will reflect actual planned moves rather than have an estimate based on an undefined requirement.

#### SHIPMENT OF FOREIGN MADE/FOREIGN PURCHASED PRIVATE OWNER VEHICLES AT GOVERNMENT EXPENSE

On June 2, 1972, the Committee notified the Secretary of Defense by letter of the Committee's concern with a change in Department of Defense policies to be effective July 1, 1972, that would permit Government payment of shipping costs for foreign manufactured and foreign procured privately-owned automobiles to be imported by military personnel and Department of Defense civilian employees. This same letter also notified the Department of Defense of the Committee's concern with respect to a DOD plan to greatly increase the amount of household goods that could be shipped to the U.S. at Government expense. These policy changes amount to subsidizing the procurement of foreign manufactured automobiles, furniture, and other items at a time of some sluggishness in the U.S. economy, a record balance-of-payments deficit, and a U.S. currency devaluation. There are a number of other reasons to question the Defense Department's action with respect to this matter.

Early in July the Committee learned that the DOD had already implemented these policy changes and was paying the costs associated therewith under the Continuing Resolution, despite the notification that the Committee considered this item of special interest. The Committee considers this action to be a violation of the spirit and intent of our Continuing Resolution understandings and of OMB Bulletin No. 73-1 in that it tended to frustrate and prevent potential Committee review and mark-up of the regular appropriation bill with respect to this matter.

For over 12 years the Department of Defense has not allowed payment for shipment of foreign made automobiles which were purchased in foreign countries because of the adverse gold flow situation. There are very sizeable costs associated with changing this policy beginning

July 1, 1972, as the Department of Defense has proposed in its fiscal year 1973 budget request. For example, the Department includes \$9,857,000 for an expected importation of nearly 33,000 foreign made autos, excluding the Navy which did not specifically budget the funds to pay for this change of policy in its fiscal year 1973 budget, but would have to reprogram or request additional funds to pay for the transportation of foreign autos.

The most recent balance of payments data indicate that the U.S. has not solved its balance of payments problems via the devaluation and that in fact they have grown worse during the past two quarters and appear headed for a record deficit balance during calendar year 1972. Personal expenditures by Military Service personnel have become a significant factor in the overall military balance of payments problem. In 1960 expenditures by U.S. military personnel accounted for about 26 percent of the \$3,087,000,000 in direct defense expenditures made abroad for goods and services. By 1970 that percentage increased to 38 percent for an estimated \$4,851,000,000 in overseas defense expenditures. Thus over \$1 billion of the \$1.8 billion overall increase can be related to the direct purchase of goods and services by military personnel stationed overseas.

The Department of Defense wants to pay for the transportation of these foreign made and purchased automobiles as part of the All Volunteer Force. It is the position of the Department of Defense that this is another incentive to increase the chances of obtaining an All Volunteer Force. The incentive even on the smaller European automobiles with free shipment and not having to pay import duties means that a military member can easily reap a \$500 profit. In many cases this profit is considerably higher. The Department also argues that this policy is only fair since State Department employees are now given these privileges. However, the State Department sends far fewer personnel overseas to many different countries and for a longer duration.

The rationale that such a change in policy will be of benefit to the All Volunteer Force is open to question. First of all, the personnel who benefit from this policy are, namely, E-1's with over 4 years of service and officers. Where most of the difficulties involved in obtaining the All Volunteer Force occur are in the recruitment of first term personnel, E-1's, E-2's, and E-3's and their reenlistment. In the Committee's opinion, the DOD's plan would be of no significant benefit in obtaining an All Volunteer Military Force. The policy is also out of step with other DOD policies such as the Uniform Services Savings Deposit Program which induces military personnel stationed overseas to save their dollars by paying premium interest rates. This savings program costs the taxpayer over \$25,000,000 annually.

The Committee recommendations with regard to this matter are made below in conjunction with the increased shipment of household goods.

#### INCREASED ALLOWANCE FOR SHIPMENT OF HOUSEHOLD GOODS TO THE UNITED STATES

On July 1, 1972, despite a request by the Committee to refrain, the DOD implemented new policies with respect to the shipment of house-

hold goods. Prior to July 1, a member was limited to 2,000 pounds or 25 percent of the prescribed Permanent Change of Station (PCS) allowance on household goods shipped from overseas areas where government furnishings are provided in quarters. In most cases (E-7 and above) the limitation was more than 2,000 pounds, i.e. 2,500 for a first Lieutenant, 3,375 for a Colonel. Under the new policy the military member can return to the United States the full household goods limitation less the amount of household goods he may have in non-temporary storage in the United States. Thus, the member can return to the United States, even if he did not take anything out of the country from 7,000 pounds (for an E-4) to 24,000 pounds (for a General). The average would probably be about 10,000 pounds. The DOD has estimated the cost of this policy change to be \$12,000,000 in fiscal year 1973.

The effect of this increased household goods allowance is, of course, an immediate cost increase in PCS charges and provides military personnel with a good reason to buy foreign made furniture and other possessions for shipment to the United States. This policy will further upset our poor trade balance and most certainly cost the United States heavily in balance of payments transactions. Like the change in the policy of allowing shipment of foreign made automobiles at government expense, this increase is supposedly justified as part of the All Volunteer Force program. As in the case of private owner vehicles, it really is of benefit only to the higher ranking more established personnel of the Services who are already committed, or at least partially committed, to long-term military service and who generally would be expected to have the capital to invest in large amounts of foreign furniture and other goods that sell at a premium in the U.S.

This policy, like the free shipment of foreign made automobiles, is inconsistent with other DOD policies such as the Uniform Services Savings Deposits program which encourage servicemen to save their pay by returning it to the United States at higher than average interest rates. Thus, on one hand the DOD is asking the Congress to provide funds in order to help servicemen save their money and not spend it overseas and on the other hand is asking for two programs which will invite servicemen to spend their money overseas and thus disrupt further U.S. efforts to get its trade balance in better order.

In order to preclude an injustice with respect to individual service members, the Committee has included funds in this bill to finance this change in policy through December 31, 1972, at which time the DOD is directed to return to the previous policies with respect to the shipment of foreign automobiles and household goods.

#### MOVEMENT OF HOUSEHOLD GOODS BY AIR

While not separately identified in the Military Services' justification material provided to the Committee, all of the Services have significantly increased the amount of funds requested to pay for movement of household goods overseas by airborne transportation as opposed to seaborne. Of course, shipment of household goods and freight by air is much more expensive than is seaborne shipment.

ARMY—The Army has increased its estimate of the cost for moving household goods by air for officers from \$2,500,000 in fiscal year 1972

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Congress of the United States  
House of Representatives  
Committee on Appropriations  
Washington, D.C. 20515

June 2, 1972

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TELEPHONE:  
CAPITOL 4-3113  
EXT. 5271  
OR  
225-5771

Honorable Melvin R. Laird  
Secretary of Defense  
Department of Defense  
Washington, D. C.

Dear Mr. Secretary:

The Defense Subcommittee of the House Appropriations Committee is nearing completion of its review of the Department of Defense budget request for FY 1973. This review has revealed at least two issues which I believe to be important enough to warrant bringing them to your attention prior to publication of the Committee's annual report. It is hoped that this early notification will prevent an injustice occurring with respect to individual members of the military services through a change in DOD policy which is scheduled to take effect July 1, 1972, and which, if placed into effect, will probably not be included for funding in the Committee's FY 1973 appropriation bill.

The policy to which I refer would provide government payment for shipping costs of foreign manufactured and foreign procured privately-owned automobiles of service members to the CONUS. This represents a reversal of a policy which has been in effect for over 12 years of not using government funds to subsidize the procurement of foreign manufactured automobiles by military personnel as one item in the battle to solve the long-standing U.S. balance of payments problem. Apparently this policy has had some effect in view of the very large increase in permanent change of station travel costs requested in the FY 1973 DOD budget for shipment of privately-owned vehicles. While the Committee has not reached a final decision with respect to this matter, it seems inappropriate to me to reverse this long-standing policy on the heels of a U.S. currency devaluation and at a time of high unemployment in the U.S. auto industry.

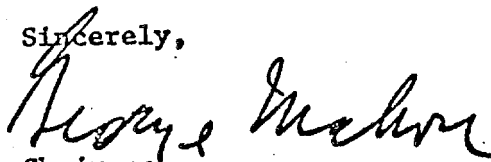
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Honorable Melvin R. Laird  
June 2, 1972  
Page 2

The second issue relates to a DOD decision to further increase the household goods weight allowance that a service member is entitled to ship at government expense from an overseas location to the CONUS. It appears that this policy will only serve to subsidize foreign furniture manufacturers and foreign manufacturers of other household items.

Also, both of these changes seem to be inconsistent with other DOD policies such as the Uniform Services Savings Deposits program which encourages servicemen overseas to save their pay by returning it to the U.S. at higher than average interest rates.

I hope that you will withhold implementation of these changes until the Committee has completed its review of the FY 1973 Defense Budget request.

Sincerely,

  
Chairman

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92<sup>D</sup> CONGRESS } HOUSE OF REPRESENTATIVES { REPORT  
2<sup>d</sup> Session } No. 92-1567

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MAKING APPROPRIATIONS FOR THE DEPARTMENTS OF  
STATE, JUSTICE, AND COMMERCE, THE JUDICIARY,  
AND RELATED AGENCIES

OCTOBER 10, 1972.—Ordered to be printed

Mr. ROONEY of New York, from the committee of conference,  
submitted the following

CONFERENCE REPORT

[To accompany H.R. 14989]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14989) "making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies, for the fiscal year ending June 30, 1973, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 8, 15, 23, 25, 26, 31, 35, 40, 41, 45, 47, 48, 49, 50, and 59.

That the House recede from its disagreement to the amendments of the Senate numbered 6, 13, 16, 34, 36, 38, 46, 56, 57, and 58, and agree to the same.

Amendment numbered 1:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert \$260,800,000; and the Senate agree to the same.

Amendment numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert \$176,190,750; and the Senate agree to the same.

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EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

*Amendment No. 51.*—Provides not to exceed \$1,700,000 for payments to State and local agencies instead of \$1,500,000 as proposed by the House and \$3,100,000 as proposed by the Senate.

*Amendment No. 52.*—Appropriates \$32,000,000 instead of \$25,110,000 as proposed by the House and \$42,896,000 as proposed by the Senate.

SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

SALARIES AND EXPENSES

*Amendment No. 53.*—Appropriates \$1,000,000 instead of \$925,000 as proposed by the House and \$1,100,000 as proposed by the Senate.

SUBVERSIVE ACTIVITIES CONTROL BOARD

SALARIES AND EXPENSES

*Amendment No. 54.*—Appropriates \$350,000 instead of \$450,000 as proposed by the House.

TARIFF COMMISSION

SALARIES AND EXPENSES

*Amendment No. 55.*—Appropriates \$6,000,000 instead of \$5,800,000 as proposed by the House and \$6,160,000 as proposed by the Senate.

UNITED STATES INFORMATION AGENCY

SPECIAL INTERNATIONAL EXHIBITIONS

*Amendment No. 56.*—Appropriates \$4,946,000 as proposed by the Senate instead of \$3,394,000 as proposed by the House.

TITLE VII—GENERAL PROVISIONS

*Amendment No. 57.*—Deletes House provision relating to purchase or lease of certain motor vehicles.

The conferees are agreed that all Departments and agencies covered by this Act are to follow the restrictions placed upon the Department of Defense relative to the payment of shipping charges on foreign-made automobiles purchased in foreign countries by U.S. personnel.

*Amendment No. 58.*—Inserts Senate provision prohibiting use of funds to carry out provisions of Executive Order 11605 of July 2, 1971.

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TO: <span style="border: 1px solid black; display: inline-block; width: 150px; height: 1.2em; vertical-align: middle;"></span>		
ROOM NO.		
REMARKS: Forwarded herewith are abstracts from my Journal items of 17 and 21 September concerning congressional objection to transportation of foreign-made vehicles. Since the objection was raised by Chairman Mahon with both DOD and State, any softening of the rules by the Senate committees would not appear to be pertinent if such is the case. If I can be of further assistance, would you advise.		
<div style="border: 1px solid black; width: 250px; height: 50px; margin: 0 auto;"></div> Assistant/Legislative Counsel		
FROM: OLC		
ROOM NO. 7D43	BUILDING Hqs.	EXTENSION <span style="border: 1px solid black; display: inline-block; width: 50px; height: 1.2em; vertical-align: middle;"></span>
FORM NO. 241 1 FEB 55		REPLACES FORM 36-8 WHICH MAY BE USED. (47)

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EXCERPT FROM JOURNAL  
OFFICE OF LEGISLATIVE COUNSEL

Friday - 21 September 1973

25X1 8. [ ] Talked to Dempsey Mizelle, State, Justice, Commerce, and the Judiciary Subcommittee staff, House Appropriations Committee, who told me that the Subcommittee report a year ago had indicated that the Department of State was expected to follow the same standards for shipment of foreign-made vehicles that had been directed for the Department of Defense. Mizelle told me that although there have been many conversations with Department representatives since that time, he knows of no modification of that position by the Subcommittee. [ ] DDM&S, has been advised. 25X1

EXCERPT FROM JOURNAL  
OFFICE OF LEGISLATIVE COUNSEL

Monday - 17 September 1973

25X1 I reviewed with [ ] our previous discussions concerning Chairma Mahon's very strong objections to transportation of foreign-made vehicles and asked if there had been any change in the Committee position. Chairman Mahon is still firm in his position. He noted, however, that Representative John Slack (D., W. Va.) has been chairing the State, Justice, Commerce, and the Judiciary Subcommittee and possibly some modification had been worked out with that Committee. He suggested that I talk directly to Jay Howe, of the Subcommittee staff. [ ] DDM&S, has been advised. 25X1